

County of Tehama

Air Pollution Control District

P.O. Box 1169 • Red Bluff, California 96080

Kristin Hall-Stein

Phone: (530) 527-3717

Air Pollution Control Officer

Fax: (530) 527-0959

E-mail: khall@tehcoopcd.net

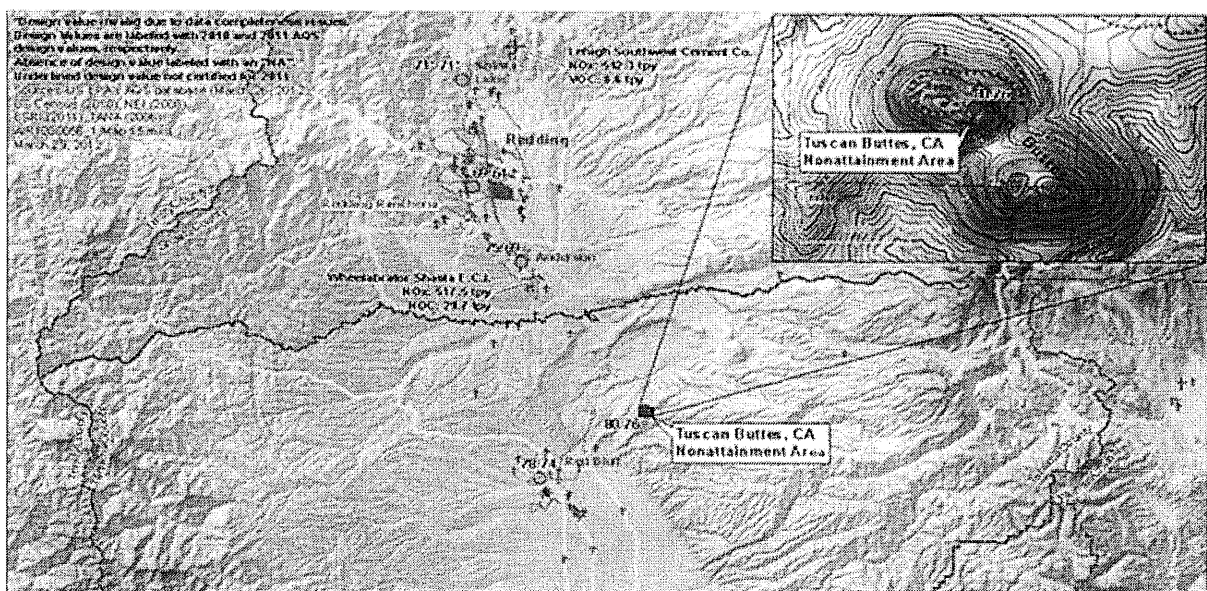
DRAFT STAFF REPORT

For the Proposed addition of Rule 2:3c New Source Review (NSR) Rule for New and Modified Major Stationary Sources in the Tuscan Buttes Nonattainment Area

I. EXECUTIVE SUMMARY

On September 1, 2015 the Tehama County Board of Supervisors will consider adoption of proposed Rule 2:3c New Source Review (NSR) Rule for New and Modified Major Stationary Sources in the Tuscan Buttes Nonattainment Area.

March 2009, California recommended that a new partial-county area be designated as “nonattainment” for the 2008 Ozone National Ambient Air Quality Standard (NAAQS) based on 2006-2008 air quality data. The recommendations are based on data from Federal Equivalent Method (FEM) monitors sited and operated in accordance with 40 CFR Part 58. Tehama County (Tuscan Buttes), CA was designated as nonattainment for the 8-hour (NAAQS) ozone standard. The proposed Rule will pertain specifically to the area defined as those portions of the immediate Tuscan Buttes area, located within Township 28N Range 2W, Mount Diablo Base and Meridian, at or above 1,800 feet in elevation (depicted below in Figure 1), as referenced in 40 CFR 81.305 except as provided in Section 9 of Rule 2.3c.



II. BACKGROUND

“New Source Review”, or NSR, is pre-construction permitting review requirement that ensures that when a new source of air pollution is built, or when an existing source is modified, the source will implement effective emission control technology and will comply with related regulatory requirements pertaining to air emissions. NSR rules are primarily aimed at ensuring that the region’s air will comply with air quality standards that have been established to ensure that concentrations of pollutants in the ambient air we breathe remain at safe and healthy levels. Based on the pre-construction review, the District then issues an Authority to Construct permit for the source. Which authorizes construction and imposes conditions to ensure that the source satisfies all applicable regulatory requirements.

III. DESCRIPTION OF RULE 2:3c, NEW SOURCE REVIEW, NEW AND MODIFIED MAJOR SOURCES IN THE TUSCAN BUTTES NONATTAINMENT AREA

Currently the Tehama County Air Pollution Control District (District) implements a comprehensive program to evaluate the expected air quality impacts of stationary, portable, and other non-mobile sources to ensure that these sources are constructed and operated in a manner that reduces the expected air quality impacts. The District’s permitting program includes review of preconstruction permits, annual and ongoing regulation of sources through operating permits and applicable emission standards, and regular inspections of these sources to ensure that they comply with all applicable requirements.

Tehama County (Tuscan Buttes) is currently designated as a nonattainment area for the federal ozone standard. A strategy to control air pollution is to reduce emissions from new and modified existing stationary sources located at an existing facility through a New Source Review (NSR) program. The Federal Clean Air Act (CAA) and its associated regulations contain requirements for the District to adopt and implement a State Implementation Plan (SIP)-approved NSR program for any new major stationary source or any major modification located at an existing major stationary source located at facilities in the Tuscan Buttes area, located within Township 28N Range 2W, Mount Diablo Base and Meridian, at or above 1,800 feet in elevation, as referenced in 40 CFR 81.305, which emit, or have the potential to emit, 100 tons or more per year of volatile organic compounds (VOCs) or nitrogen oxides (NOx). This is a very high threshold, corresponding to large industrial facilities. Currently the District has no permitted major sources located in the Tuscan Buttes Nonattainment area.

IV. HEALTH IMPACTS:

Ground level ozone is a secondary pollutant formed from photochemical reactions of NO_x and volatile organic compounds (VOCs) in the presence of sunlight. Ozone is a strong irritant that adversely affects the human health and damages crops and other environmental resources. As documented by the U.S Environmental Protection Agency (EPA) in the most recent Criteria Document for Ozone (U.S EPA 2006), both short-term and long-term exposure to ozone can irritate and damage the human respiratory system, resulting in:

- Decreased lung function;
- Development and aggravation of asthma;
- Increased hospitalizations and emergency room visits; and
- Premature deaths.

V. SOCIOECONOMIC IMPACT AND COST EFFECTIVENESS:

California Health & Safety Code Section 40728.5 exempts districts with a population of less than 500,000 persons from the requirement to assess the socioeconomic impacts of proposed rules. Tehama County population is below 500,000 persons.

Pursuant to the California Health & Safety Code Section 40920.6(a), the District is required to analyze the cost effectiveness of new rules. The District does not anticipate that any sources will be affected by the proposed regulation and therefore are not subject to the cost effectiveness analysis.

VI. WRITTEN ANALYSIS OF EXISTING FEDERAL AND DISTRICT REGULATIONS

The proposed amended rule does not impose a new emission limit or standard, make an existing emission limit or standard more stringent, or impose new or more stringent monitoring, reporting, or recordkeeping requirements. Pursuant to California Health and Safety Code section 40727.2, subdivision (g), the foregoing satisfies the requirement of a written analysis of existing regulations prior to adopting, amending or repealing a regulation.

VII. ENVIRONMENTAL REVIEW AND COMPLIANCE

Adoption of Rule 2:3c is a regulatory activity, authorized by state statute, to assure the maintenance and protection of the environment, and includes procedures for protection of the environment. This action is therefore categorically exempt from review under the California Environmental Quality Act under the Class 8 Categorical Exemption (Cal. Code Regs., tit. 14, § 15308).

VIII. RULE DEVELOPMENT PROCESS

A Public notice for a public hearing inviting the community to review and comment on the proposed revisions was published in the Red Bluff Daily newspaper, on July 14, 2015, and the Districts website.

A Public Hearing by the Tehama County Board of Supervisors is scheduled for September 1, 2015, after which if the Rule is approved it will be forwarded to the ARB and US EPA for inclusion into the California State Implementation Plan SIP.

IX. REQUIRED FINDINGS

Section 40727(a) of the California Health & Safety Code (CH&SC) requires that prior to adopting or amending a rule or regulation, an Air Districts makes findings of necessity, authority, clarity, consistency, nonduplication, and reference. The findings must be based on the following:

1. Information presented in the written analysis, prepared pursuant to California Health & Safety Code Section 40727.2;
2. Information contained in the rulemaking records pursuant to California Health & Safety Code Section 40728; and
3. Relevant information presented at the Board's Hearing for adoption of the rule.

The required findings are:

Necessity: Districts with area designated as Nonattainment for federal National Ambient Air Quality Standards (NAAQS) are required by US EPA to establish Federal New Source Review (NSR) Rules for inclusion into the Districts State Implementation Plan (SIP)

Authority: The District is authorized to adopt rules and regulations by California Health & Safety Code, Sections 40001, 40702, 40716, 41010, and 41013. (CH&SC 40727(B)(2))

Clarity: District staff has reviewed the proposed rule and determined that it can be easily understood by the affected industry. (CH&SC Section 40727(b)(3))

Consistency: The proposed rule does not conflict with, and is not contradiction to existing statutes, court decisions, or state or federal regulations. (CH&SC Section 40727(b)(4))

Non-Duplication: The proposed rule does not duplicate any state laws or regulations, regarding the attainment and maintenance of state and federal air quality limits. (CH&SC Section 40727(b)(5))

Reference: The District must refer to any statute, court decision, or other provision of law that the District implements, interprets, or makes specific by adopting, amending or repealing the rule.

X. PUBLIC COMMENT:

The Tehama County Air Pollution Control District (District) received no comments during the public comment period.

XI. BOARD ACTIONS AND ALTERNATIVES:

Staff requests the Board to do the following:

- a) Hold a Public Hearing - To take comments on proposed Rule 2:3c New Source Review, New and Modified Major Stationary Sources in the Tuscan Buttes Nonattainment Area
and;
- b) Consider adoption of a finding that the adoption of the Tehama County Air Pollution Control District Rule 2:3c New and Modified Major Stationary Sources, which is a regulatory activity to assure the protection of the environment, is categorically exempt from review under the California Environmental Quality Act (Class 8 Categorical Exemption), and direction to the Air Pollution Control Office to file a Notice of Exemption
- c) RESOLUTION - Request adoption of Tehama County Air Pollution Control District Rule 2:3c New Source Review, New Source Review, New and Modified Major Stationary Sources in the Tuscan Buttes Nonattainment Area
or;
- d) Propose changes to the text of the amendment to Rule 2.3c New Source Review, New and Modified Major Stationary Sources in the Tuscan Buttes Nonattainment Area, and re-schedule the public hearing to consider the proposed Rule(s) as revised
or;
- e) Take no action.

Respectfully submitted,

Kristin Hall-Stein

Tehama County Air Pollution Control Officer